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11
12 **UNITED STATES BANKRUPTCY COURT**
13 **NORTHERN DISTRICT OF CALIFORNIA**
14 **OAKLAND DIVISION**

15
16 In re
17 MARK KESEL,
18 Debtor.

Case No. 10-41653-WLL

CHAPTER 11

Hon. William L. Lafferty

19 **FOURTH STIPULATION TO EXTEND**
20 **DEADLINE TO DETERMINE**
21 **DISCHARGEABILITY**

[No hearing required]

1 WHEREAS on February 28, 2011, the Court's Order on Second Stipulation to
2 Extend Deadline to Determine Dischargeability was entered (Docket No. 69) (the "Second
3 Extension Order").

4 WHEREAS the Second Extension Order set a deadline of April 18, 2011 for
5 Applied Materials, Inc. ("Applied") to file an adversary proceeding to determine the
6 dischargeability of the debt arising from the judgment entered in the matter of Applied Materials,
7 Inc. v. MultiMetrixs, LLC, Mark Kesel, Boris Kesil, and Elik Gershenzon (the "Debt").

8 WHEREAS the Debtor has engaged in settlement discussions with Applied and
9 with the other judgment debtors that are liable for the Debt.

10 WHEREAS the Debtor and Applied believe that further extending the April 18,
11 2011 deadline will facilitate continued settlement negotiations that may produce a resolution of
12 the parties disputes and obviate the need to determine the dischargeability of the Debt.

13 WHEREAS the Second Extension Order authorized the parties to further extend
14 the April 18, 2011 deadline by further stipulation without further Court order.

15 WHEREAS the undersigned parties previously stipulated to a third extension of
16 the deadline to June 17, 2011 (Docket No. 76).

17 The undersigned parties, by and through their counsel have conferred, and hereby
18 agree and stipulate that:

19 1. The deadline for Applied Materials, Inc. to file a complaint to determine
20 the dischargeability of the Debt is extended to July 15, 2011, and the Debtor waives any objection
21 to untimeliness of such a complaint that is filed on or before July 15, 2011.

22 2. The deadline may be further extended by stipulation of the parties (without
23 further Court order) or by Court order.

24 3. All other rights of the parties are reserved.

1 Dated: June 10, 2011

Respectfully submitted,

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6 By: /s/ Seth Goldman
7 SETH GOLDMAN

8 Attorneys for Applied Materials, Inc.

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12 By: /s/ Judith L. Whitman
13 JUDITH L. WHITMAN

14 Attorneys for Mark Kesel

1 **CERTIFICATE OF SERVICE**

2
3 STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

4
5 I am a citizen of the United States of America and employed in Los Angeles
6 County, California. I am over the age of eighteen years and not a party to the above-entitled
7 action. My business address is 355 South Grand Avenue, Suite 3500, Los Angeles, California
8 90071-1560.

9
10 On June 10, 2011 I served a true and correct copy of the following document on
11 the parties, via first class U.S. Mail, on the attached Service List:

12 **Fourth Stipulation To Extend Deadline To Determine Dischargeability**

13 ☒ (FEDERAL) I declare that I am employed in the office of an attorney admitted to
14 practice before this Court at whose direction the service was made.

15
16 I declare under penalty of perjury under the laws of the United States of America
17 that the foregoing is true and correct. This Certificate was executed on June 10, 2011 at Los
18 Angeles, California.

19
20 /s/ Michelle Simms

21 Michelle Simms
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2
3 **SERVICE LIST**

4 Debtor

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7 Berkeley, CA 94707

8 Attorneys for Debtor

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14 Attorneys for U.S. Trustee

15 Lynette C. Kelly
16 U.S. Office of the U.S. Trustee
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18 Oakland, CA 94612
19 lynette.c.kelly@usdoj.gov

20 Special Notice

21 BAC HOME LOANS SERVICING, LP FKA
22 COUNTRYWIDE HOME LOANS
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